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EXAMINER

SING, SIMON P

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/038,185

Applicant(s)

MATHIS, JAMES EARL

Examiner

Simon Sing

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDowell et al. US 6,668,167 in view of Brederveld et al. US 5,898,679.

1.1 Regarding claim 1, McDowell discloses an apparatus for sharing mobile user event information in figure 1. McDowell's apparatus comprises:

a plurality of communication devices (device 22-28), each associated with a contact list (buddy list) (column 4, lines 51-58);

a network (cellular network 10), capable of multicast (broadcast) communication with a the plurality of communication devices, the network being effective to provide a message, including the presence information about a group of communication devices identified by the contact list, to the plurality of communication devises (column 4, lines 33-37, 51-65; column 5, lines 40-54); wherein the plurality of communication devices receive the message and extract and display the presence information about the group from the message (column 4, lines 33-43, 51-56).

McDowell teaches using a packet network device (mobile event server, or MES) to broadcast the message of the presence of mobile telephone to other cellular or wireless devices with in a buddy list (column 5, lines 40-54), but fails to specifically teach using a multicasting address for sending out the message.

However, Brederveld discloses a wireless messaging system in figure 1. Brederveld teaches communicating with a plurality of mobile stations MS 120-122 and 130-132 (column 4, lines 2-9), and sending messages (through wireless network 110 and 111) to a plurality of end-stations by a multicasting address (column 5, lines 8-26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the McDowell's reference with the teaching of Brederveld, so that a message including presence information, would have been sent to a plurality of communication devices within a contact list using a single multicasting address, because such a modification would have clarified McDowell's teaching of how the message was sent to a group of wireless devices (multicasting devices) (step 68 of figure 2), and using a single multicasting address would have avoided sending the message repeatedly to each individual communication device.

1.2 Regarding claim 2, McDowell teaches that the network provides presence information to each communication device (column 4, lines 33-37, 51-65; column 5, lines 40-54).

Art Unit: 2645

1.3 Regarding claim 3, as discussed in claim 1, the McDowell' reference, modified by Brederveld, teaches that each communication device is able (configured) to receive the message identified by the multicasting address.

1.4 Regarding claim 4, it is inherent that each communication device provides its contact list to wireless network 10 (including mobile event server) and each communication device stored the list for its user's reference (column 4, lines 33-37).

1.5 Regarding claim 5, McDowell teaches that the mobile event server (MES) stores the buddy (contact) list of each communication device (column 5, lines 40-49) and provides the presence information to the plurality of communication devices (column 4, lines 33-43; column 5, lines 46-54).

1.6 Regarding claim 6, as discussed in claim 1, the McDowell's reference, modified by Brederveld, teaches generates one single multicasting address when a group of communication devices within a buddy list are setup with the wireless network 10 (column 5, lines 40-54).

1.7 Regarding claim 7, as discussed in claim 1, the network generates the multicasting address by selecting the wireless communication devices in a buddy list.

Art Unit: 2645

1.8 Regarding claim 8, as discussed in claim 1, the McDowell' reference, modified by Brederveld, teaches that a contact (buddy) list corresponding to members of a group of multicasting devices (column 5, lines 40-54).

1.9 Regarding claim 9, McDowell discloses a method for sharing mobile user event information in figure 1. McDowell teaches:

establishing a connection between a network (wireless network 10) and a plurality of communication devices (wireless devices 22-28) (column 5, lines 13-17);

accessing a contact (buddy) list of each communication device by the network, each contact list being capable of identifying devices of a plurality of communication devices (column 4, lines 33-43, 51-58; column 5, lines 40-54);

the network broadcasts (multicast) a presence information message to the plurality of communication devices (column 4, lines 33-37, 51-65; column 5, lines 40-54); wherein the wireless devices receive the message and extract and display the presence information of a group of wireless devices within a buddy list (column 4, lines 33-43, 51-56; column 5, lines 40-54).

McDowell teaches using a packet network device (mobile event server, or MES) to broadcast the message of the presence of mobile telephone to other cellular or wireless devices within a buddy list (column 5, lines 40-54), but fails to specifically teach using a multicasting address for sending out the message.

However, Brederveld discloses a wireless messaging system in figure 1. Brederveld teaches communicating with a plurality of mobile stations MS 120-

Art Unit: 2645

122 and 130-132 (column 4, lines 2-9), and sending messages (through wireless network 110 and 111) to a plurality of end-stations by a multicasting address (column 5, lines 8-26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the McDowell's reference with the teaching of Brederveld, so that a message including presence information, would have been sent to a plurality of communication devices within a contact list using a single multicasting address, because such a modification would have clarified McDowell's teaching of how the message was sent to a group of wireless devices (multicasting devices) (step 68 of figure 2), and using a single multicasting address would have avoided sending the message repeatedly to each individual communication device.

1.10 Regarding claim 10, McDowell teaches that the network provides presence information to each wireless device (column 4, lines 33-37, 51-65; column 5, lines 40-54).

1.11 Regarding claim 11, McDowell teaches that each wireless device is able (configured) to receive the presence information message identified by the multicasting address (column 4, lines 33-43, 51-65).

1.12 Regarding claim 12, McDowell teaches that each wireless device provides its contact (buddy) list to wireless network 10, including mobile event server,

Art Unit: 2645

during initial setup (column 4, lines 33-37), and it is inherent that each wireless device stored the contact list for its user's reference.

1.13 Regarding claim 13, McDowell teaches that the mobile event server (MES) stores the contact (buddy) list of each wireless device (column 5, lines 40-49), and provides the contact list to a group of a plurality of wireless devices.

1.14 Regarding claim 14, it is inherent that if a communication device has more than one contact list, the network will determine a cross-correlation between the lists.

1.15 Regarding claim 15, as discussed in claim 9, the network generates the multicasting address by selecting the similar communication devices within a contact (buddy list).

1.16 Regarding claim 16, as discussed in claim 9, McDowell teaches contact (buddy) list corresponding to members of a group of wireless devices (multicasting devices).

1.17 Regarding claim 17, it is inherent that the network filters out less prominent devices (devices on a contact list which are off-line).

1.18 Regarding claim 18, it is inherent that the network has a number of addresses available for assignment.

1.19 Regarding claim 19, it is inherent that the network has more than one contact list (a cluster of communication devices) to form N cluster of multicasting addresses.

1.20 Regarding claim 20, McDowell discloses an apparatus for sharing mobile user event information in figure 1. McDowell's apparatus comprises:

- a plurality of communication devices (device 22-28), each associated with a contact list (buddy list) (column 4, lines 51-58);

- a network (cellular network 10), capable of multicast (broadcast) communication with the plurality of communication devices, the network inherently is able to provide a plurality of broadcast addresses based on the how many different buddy lists registered, the network is also able to convey a multicast message, including the presence information about a group of communication devices identified by the contact (buddy) list, to the plurality of communication devices (column 4, lines 33-37, 51-65; column 5, lines 40-54);

- wherein each group of the communication devices receive the message and extract and display the presence information about the group from the message (column 4, lines 33-43, 51-56).

McDowell teaches using a packet network device (mobile event server, or MES) to broadcast the message of the presence of mobile telephone to other

Art Unit: 2645

cellular or wireless devices within a buddy list (column 5, lines 40-54), but fails to specifically teach using a multicasting address for sending out the message.

However, Brederveld discloses a wireless messaging system in figure 1. Brederveld teaches communicating with a plurality of mobile stations MS 120-122 and 130-132 (column 4, lines 2-9), and sending messages (through wireless network 110 and 111) to a plurality of end-stations by a multicasting address (column 5, lines 8-26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the McDowell's reference with the teaching of Brederveld, so that a message including presence information, would have been sent to a plurality of communication devices within a contact list using a single multicasting address, because such a modification would have clarified McDowell's teaching of how the message was sent to a group of wireless devices (multicasting devices) (step 68 of figure 2), and using a single multicasting address would have avoided sending the message repeatedly to each individual communication device.

1.21 Regarding claim 21, McDowell discloses a method for sharing mobile user event information in figure 1. McDowell teaches:

establishing a connection between a network (wireless network 10) and a plurality of communication devices (wireless devices 22-28) (column 5, lines 13-17);

Art Unit: 2645

accessing a contact (buddy) list of each communication device by the network, each contact list being capable of identifying devices of a plurality of communication devices (column 4, lines 33-43, 51-58; column 5, lines 40-54);

generating a broadcast address based on each buddy list (column 5, lines 40-54), the network is inherently able to generate a plurality of addresses base on how many different buddy lists;

delivering (broadcasting) a presence information message to the plurality of communication devices (column 4, lines 33-37, 51-65; column 5, lines 40-54); wherein the wireless devices receive the message and extract and display the presence information of a group of wireless devices within a buddy list (column 4, lines 33-43, 51-56; column 5, lines 40-54).

McDowell teaches using a packet network device (mobile event server, or MES) to broadcast the message of the presence of mobile telephone to other cellular or wireless devices within a buddy list (column 5, lines 40-54), but fails to specifically teach using a multicasting address for sending out the message.

However, Brederveld discloses a wireless messaging system in figure 1. Brederveld teaches communicating with a plurality of mobile stations MS 120-122 and 130-132 (column 4, lines 2-9), and sending messages (through wireless network 110 and 111) to a plurality of end-stations by a multicasting address (column 5, lines 8-26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the McDowell's reference with the teaching of Brederveld, so that a message including presence information, would

Art Unit: 2645

have been sent to a plurality of communication devices within a contact list using a single multicasting address, because such a modification would have clarified McDowell's teaching of how the message was sent to a group of wireless devices (multicasting devices) (step 68 of figure 2), and using a single multicasting address would have avoided sending the message repeatedly to each individual communication device.

Response to Arguments

2. Applicant's arguments filed on 06-21-2004 have been fully considered but they are not persuasive.

2.1 Claims 1 and 9: The applicant argues that the prior art of McDowell is not combinable with prior art Brederveld, because McDowell teaches away from broadcasting present information to multicasting devices (two last lines on Page 9 of the Remark), and McDowell only teach broadcasting presence information to instant message services, not multicast devices, so it is contrary to Brederveld's sending messages to multicasting devices (lines 5-6, Page 10 of the Remark).

Examiner disagrees above argument based on: (a) McDowell teaches broadcasting presence information to a plurality of cellular, or wireless devices in figure 2, step 68, as clearly stated by column 5, lines 49-54: "... the MES broadcasts the presence (66) of the cellular telephone user to instant messaging services (36, 38, 40) ..., to packet data network (44), to paging network (46), and to other cellular or wireless devices (68). McDowell further states in the last

Art Unit: 2645

sentence of the Abstract: "the term wireless device is used broadly to include cell phones, laptop computers with wireless modems, wireless PDAs, and any other wireless devices. (b) A communication device able to receive or send a multicasting message is multicasting device, and the wireless device of McDowell, able to receive broadcasting (multicast) messages, is a multicasting device.

Since using a single multicast address to send a message to multiple devices are well known in the art, and both McDowell and Brederveld teach sending (broadcast or multicast) a message to multiple wireless devices (multicasting devices), therefore, the teaching of these two prior art are combinable.

2.2 Claim 14: Examiner indicated that it was allowable in last Office Action. The features in this claim are not independent (distinguished) from each other (see figure 3) as stated in the last paragraph on page 10 of the Remark. For example, filtering out a less prominent device is based on the determining result of cross correlation between buddy lists. Without this determining step, a less prominent device can be any device, which is not logged on, or logged on but not in use, or not associated with any buddy list, or a device with minimum subscription fee, etc. Therefore, the amended claim 14 and newly submitted claims are not allowable.

Art Unit: 2645

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Nurenberg et al. US 6,181,697, teaches a overwriting a unicast address with a multicast address in an IP packet (Abstract).

b) Koskelainen et al. US 6,763,035, teaches sending information to a well-known multicast address (Abstract, column 5, lines 16-29).


4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is (703) 305-3221. The examiner can normally be reached on Monday - Friday from 8:30

Art Unit: 2645

AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.



S.S.

09/02/2004

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

